

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-22 are pending. Claims 2-11 and 17-22 are withdrawn. Claims 1, 12-16 stand rejected. Claims 1 and 12 have been amended.

Claims 1, 12-14 and 16 stand rejected under 35 USC 102(a) as being anticipated by Vamparys (WO 01/15449).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter the independent claims have been amended to more clearly state that the recommendation scores are obtained from different stochastic methods. No new matter has been added.

Support for the amendment may be found at least on page 15, lines 3-6, which state, in part, "multiple scores are obtained from at least three implicit TV recommendations by applying three different stochastic methods thereby obtaining three different implicit user profiles."

Vamparys discloses a system for generating program recommendations for a plurality of users based on program metadata and user profiles. The recommendation engine includes a (i) means for building program recommendations for users based on program metadata and user profiles, through use of a plurality of filtering engines for evaluating user profiles; (ii) means for gathering and weighting the built program recommendations in order to generate a list of program recommendations per user; and (iii) means for storing the list of program recommendations in a user profile database. However, Vamparys fails to disclose that the program recommendations are based on implicit and explicit data where the method used for determining program recommendations based on the implicit data is different than the method used for determining program recommendations based on the explicit data.

It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

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Vamparys cannot be said to anticipate the present invention because Vamparys fails to disclose each and every element recited. As shown, Vamparys fails to teach or suggest using different methods to obtain recommendation scores for each of the user profiles.

At least for this reason, applicant submits that the rejection of claim 1 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claim, this claim recites subject matter similar to that recited in claim 1 and was rejected for the same reason used in rejecting claim 1. Thus, for the amendment made to this claim, which is similar to the amendment made to claim 1 and for the remarks made in response to the rejection of claim 1, which are also applicable in response, and reasserted, as if in full, herein, applicant submits that the reason for rejecting the remaining independent claim has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard the remaining claims, these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

Accordingly, applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claim 15 stands rejected under 35 USC 103(a) as being unpatentable over Vamparys. The Office Action states that "Vamparys does not however teach that the stochastic method comprises a memory based process and a rule based learning process... Examiner takes Official Notice that both the concepts and advantages of using a combination scheme comprising an averaging scheme were well-known and expected in the art at the time the invention was made."

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claim.

Claim 15 depends from claim 12, which has been shown to include subject matter not disclosed by Vamparys. The invention recited in claim 15 is not rendered obvious by

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the teachings of Vamparys and Official Notice, as the combined teachings fails to recite all the elements claimed in independent claim 12 and dependent claim 15.

For at least this reason, applicant submits the reason for the rejection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Paul Im
Registration No. 50,418



By: Steve Cha
Attorney for Applicant
Registration No. 44,069

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Mail all correspondence to:
Paul Im, Registration No. 50,418
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615